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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,805	04/09/2004	Jong-deok Lim	1572.1335	8865

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EXAMINER
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HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/820,805

Applicant(s)

LIM ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10,11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,11,13-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 16, 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-8, 10-11, 13-17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundagards [U.S. Patent No. 5,692,722]. Lundagards (figures 1-8) teaches of a supporting structure (fig. 1) of an appliance having a main body and including a storage compartment [internal space], and at least two bases (5 for example) provided in a lower part of the main body, the supporting structure comprising: a support (3) provided under the main body to support the main body; and a pair of supporting brackets (4) provided at opposite sides of the main body, which are connected with side surfaces of the bases, to connect the side surfaces of the bases of the main body with the support. The supporting brackets each comprise a lower supporting part (horizontal lower portion – fig. 1) connected to the support,

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and a side supporting part (slanted vertical portion – fig. 1) upwardly extended from the lower supporting part and connected to a side surface of the base via grooves (8, 9 for example). The brackets further comprising an upper supporting part (horizontal upper portion – fig. 1) bent from the side supporting part to support a lower part of the main body. The lower supporting part and the side supporting part of each supporting bracket are formed with at least one connecting hole (holes in the lower part as see in fig. 1 & hole 27 in the side supporting part), respectively, to connect the support and the base with screws if need be, respectively. The support is of a predetermined height to be spaced apart from a bottom of the main body as best understood by the examiner. The lower supporting part and the side supporting part form an L-shaped portion (fig. 6) and are provided along a longitudinal direction at opposite sides of the main body. The support is formed with at least one connecting hole to connect the support with the lower supporting part of the supporting bracket. The lower supporting part comprises at least one connecting hole formed on a surface of the lower supporting part at predetermined intervals (fig. 1), wherein the side supporting part is connected to a side surface of each base and comprises at least one connecting hole formed on a surface of the side supporting parts at one predetermined location (fig. 6). The at least one connecting hole of the lower supporting part corresponds to the at least one connecting hole formed on the support (fig. 1), wherein an inherent screw is inserted through the at least one connecting hole of the lower supporting part and the support, to connect the supporting bracket to the support. Each base further includes at least one connecting hole (note fig. 7) to connect to the side supporting part of each respective supporting bracket [holes are axially aligned], the holes being connected together via a screw member (14).

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Lundagards teaches applicant's inventive claimed structure as disclosed above, but does not specifically show the supporting structure in combination with a "refrigerator". As to the "refrigerator" recitation, it is viewed that Lundagards teaches the use of a supporting structure in combination with a similar structure i.e., another appliance. Since positively claimed aspects of a "refrigerator" are not specifically claimed, the examiner has taken the position that one of ordinary skill in the art would deem it obvious to substitute one appliance for another where structural aspects of a supporting structure are similar and where the details of the supporting structure do not preclude the use of similarly shaped appliances.

#### ***Response to Arguments***

4. Concerning the Lundagards reference, applicant argues the connection between the grooves and projections of the locking members, with the locking members being positioned underneath the article. The examiner deems the elements disclosed in the rejection above to adequately meet the limitations as presently claimed since the method or steps of securing an appliance to the support is not germane to the issue of patentability of the device itself; accordingly, the position is taken that the prior art meets the claimed structural limitations regardless of the order in which the parts are mounted together.

#### ***Allowable Subject Matter***

5. Pending further review and consideration, Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

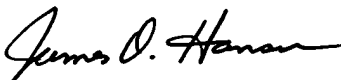
**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Monoson et al., and Yates describe supporting structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH  
October 28, 2005